IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL, CIVIL JURISDICTION

WRIT PETITION NO.2457 OF 2005

Ramchandra Bhairu Kharat & Ors..Petitioners

Vs.

Station Superintendent

Bandra Train Terminus & Ors...Respondents

Ms. Seema Sarnaik with Ms. Sunita Sharma, for the Petitioners.
Mr. Suresh Kumar,for respondent Nos. 1 to 6.

CORAM: F.I. REBELLO &
ANOOP V. MOHTA, JJ.
DATE: 16TH OCTOBER,2006

P.C.

. Rule. Heard forthwith.

2. The petitioners have earlier approached this Court by Writ Petition Nos.2630 of 2002 and Writ Petition No.176 of 2003, both of which were disposed of on 29th January, 2003. This Court noted that as there are no vacancies it was not possible for the Court to direct the Respondents to engage the petitioners. However, in case vacancies arise in the future the petitioners case may be considered on merits. The case of the petitioners is that by communication of 8th January, 2002, 28 additional posts were created at B.D.T.S., which was not brought to the attention of the Court. Had that been brought to the attention of the Court it is possible that the Court may have issued other direction.

3. On behalf of the respondents learned Counsel draws our attention to the order passed in Writ Petition No.62 of 2006 on 29th March, 2006 in the case of Bandra Terminus Registered License Hamal Ekta Union vs. Union of India & Ors. While disposing of this petition we had also considered the earlier petitions and we had directed considering the stand of the parties that if there are any licensed porters from amognst the members of the petitioner union in that petition, who have buckle numbers which have been licensed by the Divisional Railway Manager they were to make a representation and that was to be considered by the respondents. The petition was accordingly disposed of with those directions.

3. The petitioners case cannot be placed higher than those who were before us in Writ Petition No.62 of 2006. If there be any licensed porter who were issued licenses by the Divisional Railway Manager they can apply to the Respondents and if there be vacancies their claims to be considered and orders to be issued according to law. The Application to be moved within four weeks from today and the same to be disposed of by the respondents within eight weeks thereafter. With the above observation, petition stands disposed of.

(F.I. REBELLO, J)

(ANOOP V. MOHTA,J).